

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 3, 2006

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
X	Other: Final Action

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	7-19-06
	7-26-06
Hearing Date	8-7-06
Record Held Open	9-8-06
Policy Discussion	9-18-06

TITLE: SDP-06-002

Resolution of the Mayor and City Council of Gaithersburg granting approval of schematic development plan SDP-06-002 as an amendment to schematic development plan SDP-00-002, for the conversion of office to a private educational institution for 13,000 square feet, located at 900 Wind River Lane in the Mixed Use Development (MXD) Zone, Gaithersburg, Maryland.

SUPPORTING BACKGROUND:

Per the guidance received at the policy discussion and the Planning Commission recommendation of approval, staff has drafted and attached a resolution approving the Schematic Development Plan SDP-06-002 including conditions of approval by the Planning Commission. The resolution has been reviewed by the City Attorney and is ready for adoption.

DESIRED OUTCOME:

VOTE ON RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
SCHEMATIC DEVELOPMENT PLAN SDP-06-002 AS
AN AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN SDP-00-002,
FOR THE CONVERSION OF OFFICE TO A PRIVATE EDUCATIONAL INSTITUTION
FOR 13,000 SQUARE FEET, LOCATED AT 900 WIND RIVER LANE
IN THE MIXED USE DEVELOPMENT (MXD), ZONE, GAITHERSBURG, MARYLAND

SDP-06-002

OPINION

This proceeding constitutes an action pursuant to §24-160D of the Zoning Ordinance (Chapter 24 of the Gaithersburg City Code) which permits the Mayor and City Council to review and approve a schematic development plan in the MXD (Mixed Use Development) Zone; and further, §§24-160.D.10 and 24-160D.11, in which the Mayor and City Council can approve an amendment to a schematic development plan, consistent with the procedures for an amendment of the optional method for application for local map amendment plans as provided in §24-198(c) of the City Code.

The subject property, is located on Lot 6 of the Quince Orchard Crescents, 900 Wind River Lane, Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone.

Operative Facts

The subject property is located at 900 Wind River Lane, located on Lot 6 of the Quince Orchard Park Crescents. The lot has frontage on Wind River Lane to the north and Twin Lakes Drive to the south. The Taipei Economic and Cultural Representative Office (TECRO) building is to the east and two office buildings are to the west.

A joint public hearing was held on schematic development plan SDP-06-002 on Monday, August 7, 2006, before the Mayor and City Council and City Planning Commission. This plan is an amendment to schematic development plan SDP-00-002 approved in April of 2001. This hearing had been advertised in the *Gaithersburg Gazette* on July 19 and 26, 2006, the required parties given notice, and the property posted per §24-196 of the City Code.

The Mayor and City Council and Planning Commission reviewed the amendment of the schematic development plan submitted by the applicant and the evidence in the record at the joint public hearing.

The applicant proposed to convert 14,517 square feet of office to private educational facility use. The remaining 8,383 square feet was to be office. At the joint

hearing, the Council and Commission inquired about the school's hours of operation, parking spaces, parent drop off and pick up, traffic patterns, bus outings, truck deliveries and playground areas. A resident of Fernshire Farms expressed his support for the change of use.

Following the public hearing, staff met with the applicant to discuss the amount of parking onsite and accessibility issues. The applicant revised the amount of space to be changed to a private educational use. The revised plan reduced the use of private educational institution to 13,000 square feet to be converted to educational use. The remaining 9,900 square feet of the building will stay as office, as indicated on the Amended Site Plan, #24.

In addition to reducing the original amount of space to be dedicated to the school, the applicant revised the parking calculation and configuration of the site to provide more room, accessibility, and parking spaces for the proposed use. The applicant is proposing to use the parking calculation that is required of a day-care establishment, which is 1.5 parking spaces per employee, instead of the typical school calculation, which determines parking by requiring one (1) parking space per employee.

Prior to the closing of the Planning Commission's record on August 28, 2006, additional exhibits to the record included a letter from the applicant, amended site plans, minutes from the joint public hearing, and the staff analysis.

The Planning Commission, at their regular meeting of September 6, 2006, reviewed the complete record and voted to recommend approval of SDP-06-002, as amended, to the City Council with four conditions as stated in the Planning Commission recommendation (Exhibit #29 of the record).

There was no additional testimony added to the record of the Mayor and City Council, which closed on September 8, 2006.

On September 18, 2006, the Mayor and City Council held a policy discussion on SDP-06-002. Planner Marsh gave a presentation outlining the application and requested the Council provide staff guidance. The City Council directed staff to schedule final action for SDP-06-002 on October 3, 2006, and prepare a resolution of approval based on the staff analysis and Planning Commission recommendation with the four conditions as more fully set forth in this opinion and resolution.

Relevant Statutory Provisions

The following statutory provisions from the City Zoning Ordinance (Chapter 24 of the City Code) are among the provisions which define the nature of the City Council's review powers for amended schematic development plans in the MXD Zone.

Sec. 24-160D.10. Findings required.

* * * *

(b) The City Council may approve a schematic development plan only upon the finding that:

- (1) The plan is substantially in accord with the approved sketch plan; and
- (2) The plan meets or accomplishes the purposes, objectives, and minimum standards and requirements for the zone; and
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirement contained in said master plan for the area under consideration; and
- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and
- (5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- (6) That the development staging or phasing program is adequate in relation to provisions of public facilities and private amenities to service the proposed development; and
- (7) The plan, if approved, would be in the public interest.

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Sec. 24-160D.11. Procedures for amendment.

Amendments to a sketch plan or schematic development plan may be permitted, consistent with the procedures for amendment of optional method plans as provided in §24-198(c) of this Code.

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Sec. 24-198. Findings required.

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(c) The schematic development plan may be amended:

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(3) Subsequent to council action to approve as follows:

- a. Change in use involved. By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council. The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.

Findings

The City Council has reviewed the evidence of record in this case, and agrees with the findings and recommendations of the City Planning Commission and the recommendations of City staff and accordingly finds:

1. The plan is similar to what was approved in accordance with the sketch plan for Quince Orchard Park, which proposed a large comprehensively planned mixed use development of residential, office and other commercial land uses;
2. The plan meets the purposes and objectives of the zone by adding to the existing diversity of the area, which includes office, residential, and commercial uses, which defines the true spirit of Mixed Use Zoning;
3. The Master Plan recommended this area for a land use designation of Commercial/Industrial-Research-Office. An educational facility is a compatible use with this land use designation. School facilities can be classified as both commercial and research oriented;
4. The proposed use will be compatible with the existing uses in that it will blend in with an office park development. The proposed use is low impact and will not generate high turnover traffic, much like an office use;
5. Many of the public facilities and services, such as an existing road network, water, sewer, and other utilities are in place for the building. As such, there will not be a burden imposed upon the infrastructure, both public and private;
6. This proposal calls for a one-story building that is part of the last sequence of office use phasing for the Quince Orchard Park Development, per the original schematic development plan. The school is proposing to use a parking calculation that increases the amount of

parking needed onsite. Provisions for public facilities and private amenities are not required, however, the surplus parking that the school use is providing can function as an amenity for the surrounding office uses;

7. It is in the public's interest to have a private educational facility located in this area. The school could be well-utilized by the people who work in the office developments that surround this area as well as the residents of the adjacent neighborhoods.

Conclusion

Upon consideration of all the evidence pertaining to Schematic Development Plan SDP-06-002, an amendment of SDP-00-002, the City Council concludes that the applicant has met the burden of proof that Schematic Development Plan SDP-06-002 meets the requirements of the MXD Zone, with the four conditions as listed in the Resolution.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on October 3, 2006, that Schematic Development Plan SDP-06-002 is hereby approved subject to the following conditions:

1. The use for the school shall be established at 13,000 square feet and for the office at 9,900 square feet, as shown on the amended site plan (Exhibit 24);
2. The Mayor and City Council shall establish the parking calculation for the subject private educational use to be 1.5 parking spaces per employee;
3. The applicant shall provide masonry screening for the dumpster enclosure to match the existing building elevations; and
4. The applicant shall provide designated parking areas for the parent drop-off and pick-up, and strictly enforce no parking along the sidewalk/curbs.

ADOPTED by the City Council of the City of Gaithersburg on the 3rd day of October, 2006.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City of
Gaithersburg Mayor and City Council in a
Public meeting assembled on the 3rd day
Of October, 2006.

David B. Humpton
City Manager